

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
NEC Codd Avenue and Lynch Road
1951 Codd Avenue
12th Election District
7th Councilmanic District
Bruce L. Cameron, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-32-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Bruce L. Cameron and Barbara J. Cameron, his wife, for that property known as 1951 Codd Avenue in the West Inverness subdivision of Baltimore County. The Petitioners herein seek a variance from Section 102.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6 ft. high fence and various plantings to be located at the intersection of a street and alley with a height of greater than 3 ft., in a D.R.10.5 zone, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management must submit recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations have not, as yet, been submitted, as noted in the Zoning Plans Advisory Committee comments from the Department of Environmental Protection and Resource Management (D.E.P.R.M.) dated August 9, 1993 (copy attached). When D.E.P.R.M.'s final comments are completed, they shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regula-

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tions, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of August, 1993 that the Petition for a Zoning Variance from Section 102.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6 ft. high fence and various plantings to be located at the intersection of a street and alley with a height of greater than 3 ft., in a D.R.10.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmn

ORDER RECEIVED FOR FILING
Date 8/24/93
By [Signature]

-3-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 24, 1993

Mr. and Mrs. Bruce L. Cameron
1951 Codd Avenue
Dundalk, Maryland 21222

RE: Petition for Administrative Zoning Variance
Case No. 94-32-A
Property: 1951 Codd Avenue

Dear Mr. and Mrs. Cameron:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-1391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
enc1.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 1951 Codd Avenue which is presently zoned DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 102.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6 ft. high fence and various plantings to be located at the intersection of a street and alley with a height of greater than 3 ft., in a D.R.10.5 zone, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Practical Difficulty

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)
Bruce L. Cameron
Signature [Signature]
Barbara J. Cameron
Signature [Signature]
Address: 1951 Codd Avenue
City: Dundalk MD 21222
Phone No.: 555-5602

Zoning Commissioner of Baltimore County

ITEM # 38

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 1951 Codd Avenue
Dundalk MD 21222
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate variance or practical difficulty) Practical Difficulty

We own an end of group rowhome with an alley in the rear. A "shadowline" fence was erected at the corner of the alley and the street. Drivers of cars exiting the alley to the street can see through the fence. Strict compliance with 102.5 would prevent us from having fence allowed in other parts of the zone, and cause financial hardships. Because drivers can see through the fence, the spirit of the ordinance is preserved and public safety secured.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Bruce L. Cameron
Signature [Signature]
Barbara J. Cameron
Signature [Signature]
City State Zip Code

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of June, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Bruce L. Cameron and Barbara J. Cameron

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinbefore set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 7, 1993
My Commission Expires: January 1, 1996

ZONING DESCRIPTION FOR 1951 Codd Avenue (address)
Election District 12 Councilmanic District 7

Beginning at a point on the East side of Codd Avenue (north, south, east or west)

which is 38' (number of feet of right-of-way width)
(street on which property fronts)

wide at a distance of 29 North of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Lynch Road (name of street)

which is 29' 58" wide. *Being Lot # 1 (number of feet of right-of-way width)

Block 5, Section # 2 in the subdivision of West Inverness as recorded in Baltimore County Plat (name of subdivision)

Book # GLB 19, Folio # 8, containing (square feet and acres)

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 12th Date of Posting 4/4/93
Posted for: [Signature]
Petitioner: Bruce L. Cameron, Barbara J. Cameron
Location of property: 1951 Codd Avenue, Dundalk, MD 21222
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature] Date of return: 8/2/93
Number of Signs: 1

Baltimore County
Zoning Administration & Development Management
211 11th Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6190
Number 38

Date 7/22/93

1/RES non filing fee code 010 50.00
1/filing fee code 080 35.00
total 85.00

Owner
Cameron
for 1951 Codd Ave.

01A01N0538M1CHRC
BA 002+51PH07-22-93
Please Make Checks Payable To: Baltimore County

\$85.00

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 13, 1993

James F. McAvoy, Esquire
Maritime Center, Suite 210
6610 Tributary Street
Baltimore, Maryland 21224

RE: Case No. 94-32-A, Item No. 38
Petitioner: Bruce L. Cameron, et ux
Petition for Administrative Variance

Dear Mr. McAvoy:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 8, 1993 and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 6, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review Section

RE: Zoning Advisory Committee Meeting
for August 9, 1993
Item No. 38

The Development Plan Review Section has reviewed the subject zoning item. The proposed fence and planting should not block the line of sight.

BWB:s

*Photos indicate that
Sept 1st line
is unobstructed
L.E. Skowett
8/24/93*

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

August 9, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, DEP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #38
Cameron Property, 1951 Codd Avenue
Zoning Advisory Committee Meeting of August 2, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

1. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JLP:sp

CAMERON/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 94-32-A

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
303-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5852 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 9, 1993
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 30, 35, 36 and 38.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Edmund Weiss*

PK/JL:lw

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Zoning Advisory Committee DATE: August 3, 1993

FROM: Captain Jerry Pfeifer

SUBJECT: August 9, 1993 Meeting

- | | |
|-----|---|
| #29 | No Comments |
| #30 | No Comments |
| #31 | No Comments |
| #32 | No Comments |
| #33 | No Comments |
| #34 | No Comments |
| #35 | Building shall comply with the 1991 Life Safety Code. |
| #36 | Surface for Fire Department access shall be paved and capable of handling 50,000 lbs. on 2 axles. |
| #37 | No Comments |
| #38 | No Comments |
| #39 | No Comments |

JP/dmc

RECEIVED
AUG 5 1993
ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director DATE: September 3, 1993
Office of Zoning Administration
and Development Management

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 38
Cameron Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1951 Codd Avenue. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Bruce Cameron

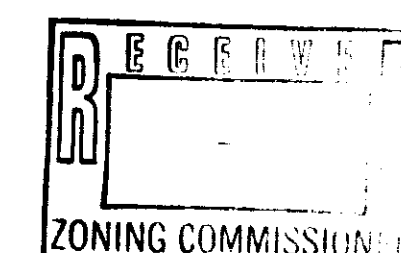
APPLICANT PROPOSAL

The applicant has requested a variance from section 102.5 of the Baltimore County Zoning Regulations to permit "a six foot high fence and various plantings to be located at the intersection of a street and alley with a height of greater than three feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.D>.



Mr. Arnold E. Jablon
September 3, 1993
Page 2

DEFINITIONS

"Development Activities" means the construction or substantial alteration of residential, commercial, industrial, or transportation facilities or structures." <COMAR 14.15.01.01.A(21)>.

REGULATIONS AND FINDINGS

1. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Finding: No proposed development activities as defined above, are proposed for this site. Therefore, this project shall not need to reduce pollutant loadings by 10% of the on-site level. However, any construction or alteration of structures shall be required to comply with all Critical Area requirements.

CONCLUSION

This project proposal does not require a Chesapeake Bay Critical Area Findings for the reasons stated above.

Please contact Ms. Patricia M. Farr at 887-3980 if you require additional information.

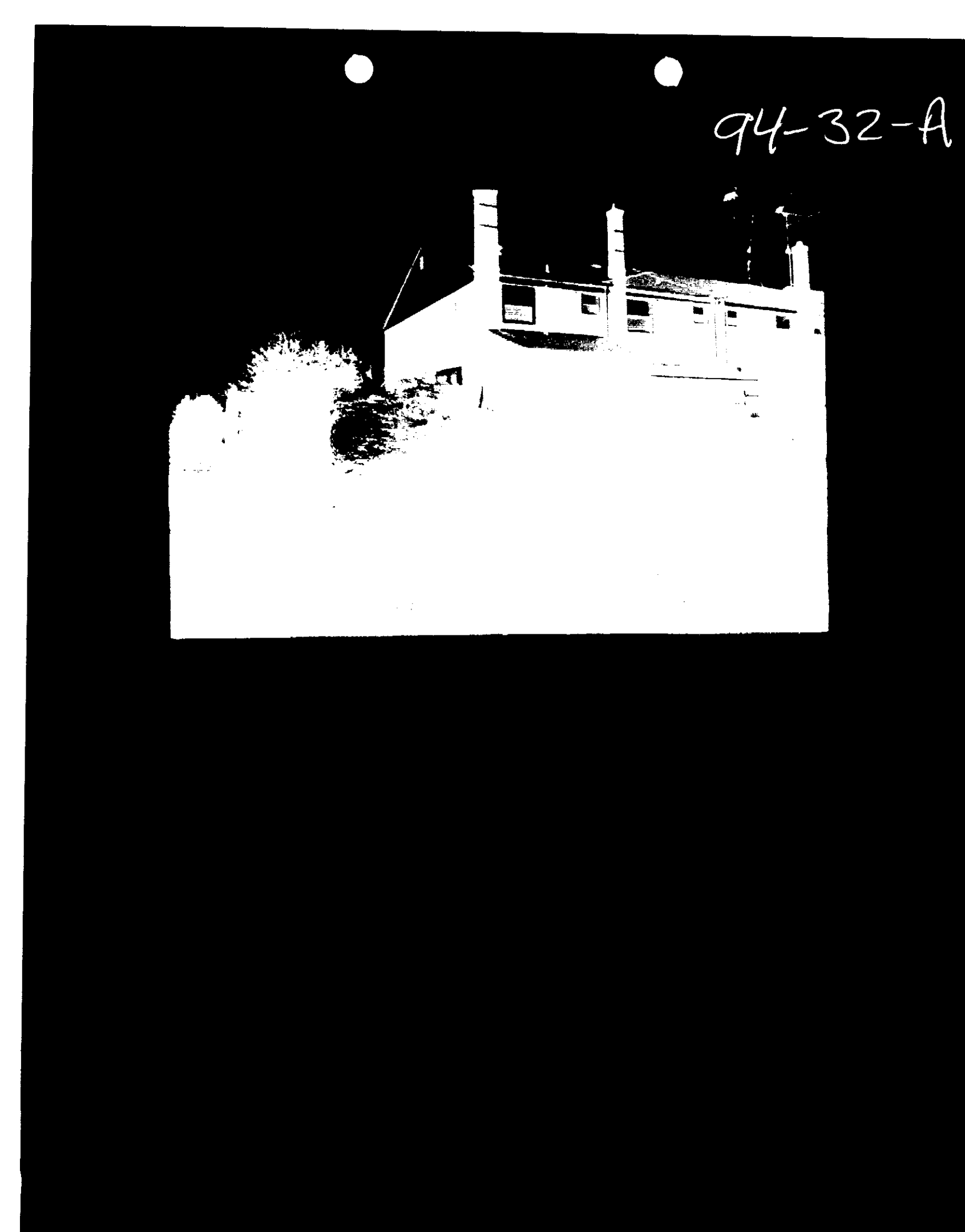
J. James Dieter
J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JUD:NSP:tmw

cc: Mr. and Mrs. Bruce Cameron

CODD/DEPRM/WQBCA

ZAC.30/PZONE/ZAC1





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

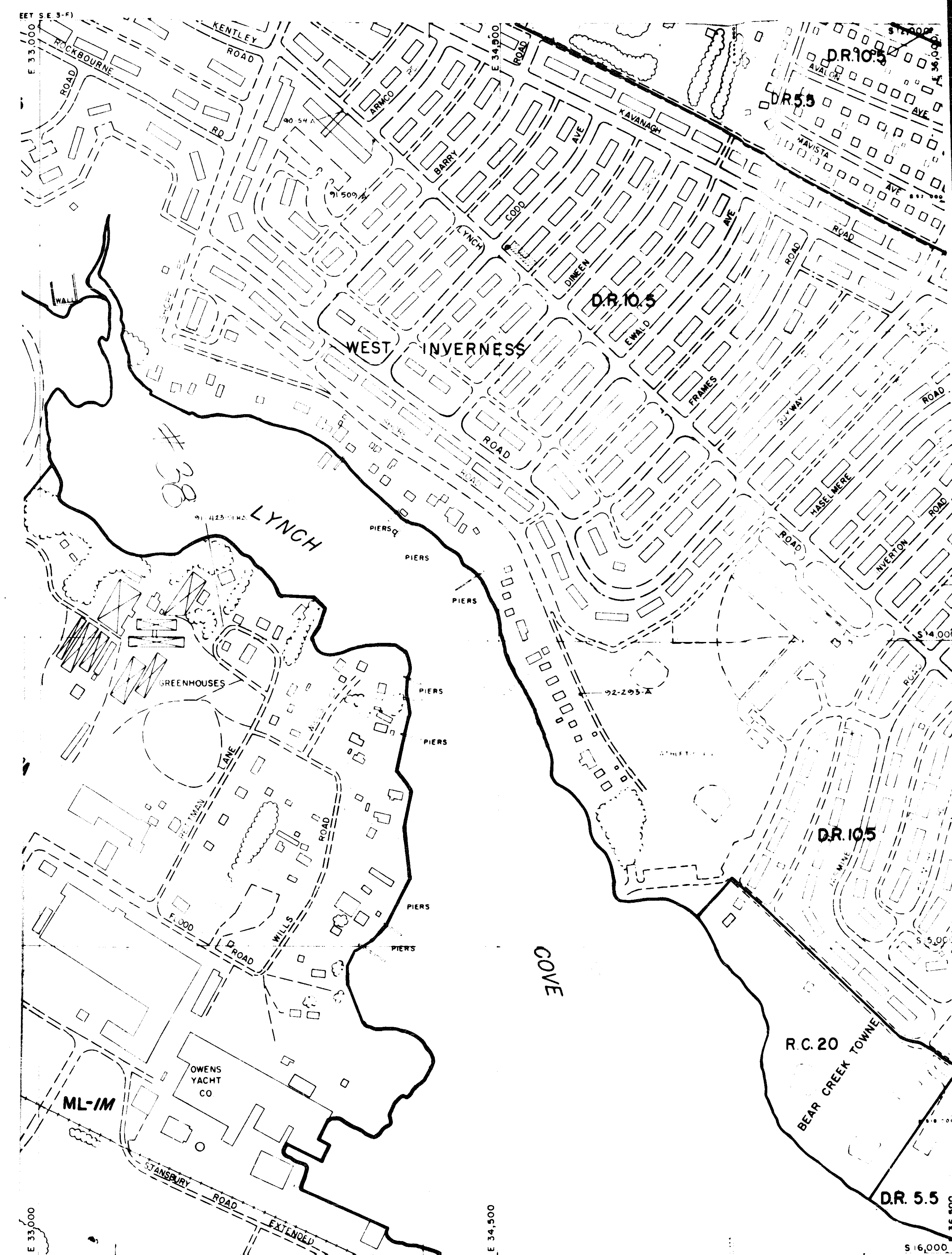
94-32-A

SCALE 1" = 200' ±	LOCATION DUNDALK	SHEET S. E. 4-F
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

William Howard IV
Chairman, County Council

OFFICIAL ZONING MAP



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

Ord. Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William Howard IV
Chairman, County Council

SCALE 1" = 200' ±	LOCATION DUNDALK	SHEET S. E. 4-F
DATE OF PHOTOGRAPHY JANUARY 1986		